HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

DIVISION BENCH

CORAM : HON'BLE SHRI S.R. NAYAK, CJ
& HON'BLE SHRI D.R. DESHMUKH, J.

Misc. Appeal NO.1496 OF 2005

APPELLANT OWNER Subhashchandra Jain, S/o. Bastimal Jain, R/o. Sadar Bazar, Dhamtari (C.G.)

VERSUS

RESPONDENTS

1. Ganeshiya bai widow of Ram Kumar Vishwakarma, Aged about 42 years.
2. Ku. Saroj, D/o late Ramkumar, aged about 19 years.
3. Keshar Bai D/o Late Ram Kumar, aged about 17 years.
4. Dhananjay S/o. Late Ram Kumar
   Appellant No. 3 & 4 minors through their natural guardian mother, Ganeshiya bai, widow Late Ram Kumar, aged about 42 years,
   All R/o vill.-Ban Bangood Thana-Arjuni, Distt. Dhamtari (C.G.)
5. Kham Singh S/o. Gangaram, aged about 32 years, Caste – Kamar, R/o village Ban Bagood, Tah. Kukrel, Dist. Dhamtari (C.G.)
6. Abhay Rakecha, S/o Sheshmal Rakecha, R/o Station Road, Tah. & Distt. Dhamtari (C.G.)

Present: Mr. Vimlesh Bajpai, learned counsel for the appellant.

ORAL ORDER
(Passed on 17th January 2006)

The following oral order of the Court was passed by

S.R. Nayak, CJ. :

This is owner's appeal. The only contention urged before the MACT as well as before this Court to deny the liability to pay

compensation is that the appellant was not the owner of the motor vehicle involved in the accident as on the date of accident i.e. 29-05-2002. Learned counsel contended that well before the date of accident, the appellant sold away the motor vehicle involved in the accident on 25-01-2000. The learned MACT having considered the evidence on record came to the conclusion that even on the date of accident, the appellant was the registered owner of the motor vehicle involved in the accident. In that view of the matter, according to us, the learned MACT has quite rightly fastened the liability to pay compensation on the appellant – owner because we are told that the motor vehicle involved in the accident was not insured on the date of accident. The appeal is devoid of merit and it is accordingly dismissed. No costs.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge